

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

WP(C).No. 27507 of 2007(Y)

PETITIONER:

NIRMALA DEVI, W/O.T.K.RADHAKRISHNAN,
TANDASSERRI HOUSE, KARAKKAD, GURUVAYOOR.

BY ADV. SRI.BABU CHERUKARA

RESPONDENTS:

1. THE SPECIAL DEPUTY TAHSILDAR (R.R)
K.S.F.E LTD., P.B.NO.510, CHEMBUKAVU,
TRISSUR, PIN - 680 020.
2. THE BRANCH MANAGER, K.S.F.E.
GURUVAYOOR.

BY ADV. SHRI.M.L.SAJEEVAN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 27507 of 2007

Dated, this the 17th day of September, 2007

J U D G M E N T

Heard learned counsel for petitioner and learned Standing Counsel for KSFE. Even though petitioner repaid substantial portion of the housing loan, balance amount is still due and loan period is stated to be for another five years. Petitioner has undertaken to clear the arrears, which have fallen due, as of now and interest thereon within a reasonable time. I feel, if petitioner clears the arrears within a reasonable time and remits future instalments without default, petitioner can be allowed to retain the instalment facility under the loan agreement. In the circumstances, this writ petition is disposed of directing respondents to withhold recovery proceedings on petitioner making payment as follows :

- (1) Petitioner will remit Rs. 1 lakh on or before 15/10/2007.
- (2) The entire accrued balance arrears of instalments with interest thereon for belated payment will be remitted on or before 15/01/2008.
- (3) Petitioner will start paying regular instalments in terms of original loan agreement from this month onwards and if the due date for this month is over, petitioner can remit the same on or

before 30/09/2007. Besides paying this month's instalment, petitioner will continue to pay regular instalments on due dates without any delay.

2. KSFE will set apart accrued instalment arrears with interest due till 31/08/2007 and allow petitioner to clear the same in two instalments as above. However, if petitioner commits default in payment of any of the regular instalments or arrears as above, then this facility granted to the petitioner will stand automatically vacated on first default and thereafter respondents will proceed for recovery of entire arrears. All recovery including proposal for sale of petitioner's property will remain stayed for payment as above. However, recovery proceedings will revive without any further notice on default and respondents can proceed for selling the property.

3. If petitioner is unable to clear the arrears in instalments as above, it is open to the petitioner to go for full settlement with KSFE and pay the entire arrears excluding incentives normally granted. If petitioner offers for settlement as above, KSFE will grant incentives under OTS.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)